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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	Case No. CR 21-71438-MAG
)	
Plaintiff,)	STIPULATION TO CONTINUE STATUS
)	CONFERENCE AND EXCLUDE TIME FROM
v.)	OCTOBER 28, 2021 TO DECEMBER 9, 2021
)	AND PROPOSED ORDER
HECTOR GARCIANAVA,)	
)	
Defendant.)	
		Judge: The Honorable Robert M. Illman

It is hereby stipulated by and between counsel for the United States and counsel for the defendant HECTOR GARCIANAVA that the status conference set for OCTOBER 28, 2021 be continued to DECEMBER 9, 2021, and that time be excluded under the Speedy Trial Act from OCTOBER 28, 2021 through DECEMBER 9, 2021.

At the status conference held on September 16, 2021, the government and counsel for the defendant agreed that time be excluded under the Speedy Trial Act so that counsel for the defendant could continue to prepare, including by reviewing the discovery that has been and will be produced. The Court set OCTOBER 28, 2021 as the date for a further status conference. The parties stipulate to continuing the status conference to DECEMBER 9, 2021. The parties stipulate and agree to excluding time until DECEMBER 9, 2021 to allow for the effective preparation of counsel. *See* 18 U.S.C.

§ 3161(h)(1)(D), (h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by excluding the time from OCTOBER 28, 2021 through DECEMBER 9, 2021 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A), (h)(7)(B)(iv).

For the above reasons, the defendant consents and the parties stipulate and agree that there is good cause to extend the time to conduct a preliminary hearing to no later 14 days after DECEMBER 9, 2021 if the defendant is in custody after that date and no later than 21 days if the defendant is not in custody after that date. *See* Fed. R. Crim. P. 5.1(d).

The undersigned Special Assistant United States Attorney certifies that he has obtained approval from counsel for the defendant to file this stipulation and proposed order.

IT IS SO STIPULATED.

Dated: October 28, 2021

/s/
DANIEL N. KASSABIAN
Special Assistant United States Attorney

/s/
RAYMOND A. BUENAVENTURA
Counsel for Defendant HECTOR GARCIANAVA

[PROPOSED] ORDER

Based upon the facts set forth in the stipulation of the parties and for good cause shown, the Court finds that time is excluded from OCTOBER 28, 2021 through DECEMBER 9, 2021, and that failing to exclude the time from OCTOBER 28, 2021 through DECEMBER 9, 2021 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence including by reviewing the discovery has been and will be produced. 18 U.S.C. § 3161(h)(1)(D), (h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from OCTOBER 28, 2021 through DECEMBER 9, 2021 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from OCTOBER 28, 2021 through DECEMBER 9, 2021 shall be excluded

1 from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h).

2 For the above reasons, the Court further finds good cause to continue the preliminary hearing.
3 Therefore, with the defendant consent, IT IS HEREBY ORDERED that the time to conduct a
4 preliminary hearing to no later 14 days after DECEMBER 9, 2021 if the defendant is in custody after
5 that date and no later than 21 days if the defendant is not in custody after that date. Fed. R. Crim. P.
6 5.1(d).

7 **IT IS SO ORDERED.**

8
9 Dated: October 28, 2021 —


HON. ROBERT M. ILLMAN
United States Magistrate Judge